

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OSCAR DILLON III,)
vs.)
Plaintiff,)
UNKNOWN PARTY,)
Defendant.) **Case No. 18-cv-2124-JPG**

ORDER

GILBERT, District Judge:

Plaintiff submitted a letter to the Court on November 27, 2018, which the Court had docketed as a complaint. (Doc. 1). But the Court then ordered Plaintiff to file a proper complaint in accordance with the Federal Rules of Civil Procedure no later than December 27, 2018 or to inform the Court that he does not wish to proceed with this action. (Doc. 3). On December 17, 2018, Plaintiff filed a response to the Court's order. (Doc. 4). Plaintiff's Response indicates that he was unaware that his letter would be filed as a complaint and apologizes for misunderstanding procedure. (Doc. 4, p. 5). He also states he would like this action dismissed without prejudice. *Id.*

A plaintiff may dismiss an action without a court order at any time prior to defendant's service of an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a). However, as Plaintiff's Response indicates that he never intended to initiate an action with this Court, the Court finds that it is more appropriate to strike the Complaint and terminate the action as mistakenly opened. No filing fee will be assessed because Plaintiff did not intend to initiate legal action. Moreover, the Court will retain the record of these proceedings. This action will

not prevent Plaintiff from bringing future claims based on the events detailed in his letters, if he so desires.

The Clerk of Court is **DIRECTED** to **STRIKE** the Complaint and terminate this case as mistakenly filed.

IT IS SO ORDERED.

DATED: December 21, 2018

s/J. Phil Gilbert
United States District Judge